

# EXHIBIT 3

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**REDACTED VERSION OF DOCUMENT  
SOUGHT TO BE SEALED**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NETLIST, INC., ) CASE NO. 4:09-CV-05718-SBA  
v. Plaintiff, ) NETLIST, INC.'S STATEMENT OF  
GOOGLE LLC, ) RECENT DECISION PURSUANT TO  
Defendant. ) LOCAL RULE 7-3(d)(2) [REDACTED]  
Date: November 10, 2021  
Time: 2:00 PM

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2 Pursuant to Civil Local Rule 7-3(d)(2), Plaintiff Netlist, Inc. respectfully submits this  
3 Statement of Recent Decision to bring to the Court's attention the following recent decision that is  
4 relevant to Defendant's Motion to Amend Answer and Counterclaims (Dkt. 206) and Motion for  
5 Summary Judgment on the Issue of Absolute Intervening Rights (Dkt. 155): *Netlist Inc. v. Samsung*  
6 *Elecs. Co., Ltd.*, No. 8:20-cv-993-MCS-ADS, Dkt. 186 (C.D. Cal. Oct. 14, 2021) (granting summary  
7 judgment in Netlist's favor that a license agreement between Netlist and Samsung was terminated  
as of July 15, 2020). A copy of the decision is attached as Exhibit A for the Court's reference.

8 This decision is relevant to Google's Motion to Amend because Google's proposed  
9 pleadings allege [REDACTED]

10 [REDACTED]. Dkt. 205-6 (Google's  
11 Amended Answer) ¶¶ 9, 11. It is also relevant to Google's claim that its absolute intervening rights  
12 defense would resolve a substantial portion of the case, which was premised on the notion that  
13 [REDACTED]  
14 Dkt. 178-4 at 1 ("The [Motion for Summary Judgment and Motion to Strike] address threshold  
15 issues that could dispose of the *entire* case."); *id.* at 2 n.2 ("[REDACTED]  
16 [REDACTED]").

17 Dated: October 26, 2021

Respectfully submitted,

18 IRELL & MANELLA LLP

19 By: /s/ Andrew Strabone

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2021, I caused the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically email notification of such filing to all counsel of record who have made a formal appearance. I further certify that on October 26, 2021, the unredacted version of the foregoing was served on counsel of record who have made a formal appearance.

By: /s/ Michael Tezyan  
Michael Tezyan